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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	6568/54026US2	5600
30505 7590 12/19/2007 LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			EXAMINER KIM, SANG K	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/911,740

**Applicant(s)**

GOKER ET AL.

**Examiner**

SANG KIM

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

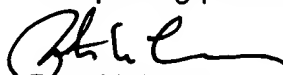
In view of the appeal brief filed on 9/13/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2 are rejected under 35 U.S.C. 102(a) & (e) as being anticipated by Hamming, U.S. Patent No. 6034839.

Hamming '839 shows a tape drive mechanism comprising a hub filler 100 (best seen in figures 9-13) coupled to a guide rail 47. The end of the tape 16 is connected to the hub filler 100 by a leader pin 14 attached to the end of the tape 16 and engaged in a slot 104 in the hub filler. The "unloading" operation, when the tape is wound off the reel 42 and onto reel 12, is described in column 9, lines 47-67. With reference to figures 8-12 and as described in column 9, lines 55-67, during unloading, motor 70 drives load arm 50 in a clockwise direction to move the hub filler back toward reel 12. The motor that drives reel 12 prevents slack from forming during the return trip of the hub filler 100 and the leader pin 14 to the reel 12. A conventional electronic or mechanical method is used to prevent the motor driving reel 12 from pulling against the loading mechanism (load arm 50). As discussed by Applicant in his specification as the prior art (page 3, lines 10-17), in the Hamming '839 apparatus the load arm motor 70 and the motor driving cartridge reel 12 are calibrated to maintain adequate tension in the tape in order to reduce the risk of detachment of the tape from the hub filler.

***Allowable Subject Matter***

Claims 9 and 11-20 are allowed.

Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments, see appeal brief, filed on 9/13/07, with respect to the rejection(s) of claim(s) 3-9 and 9-20 under 35 U.S.C. 102 (b) as being anticipated by Hamming, U.S. Patent No. 6034839 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hamming, U.S. Patent No. 6034839 rejected under 35 U.S.C. 102(a) & (e), and applicant's admitted prior art, described in specification, on pages 1-4, and applicant's brief filed on 9/13/07, explaining claim 1 for means for preventing detachment of an end of tape from the hub filler during a tape unloading operation (refer to Figure 3 and page 7, lines 6-8).

Independent claim 1 includes a tape drive mechanism that has a hub filler coupled to a guide rail; and means for preventing detachment of an end of tape from the hub filler during a tape unloading operation (refer to Fig. 3 and page 7, lines 6-8, as explained in the appeal brief), which refers to the hub filler 402 is then driven to the take-up reel 410 by the guide arm 416 and the guide arm motor 414 along the guide rail

408. Note, applicant's means for preventing detachment of an end of tape from the hub filler during a tape unloading operation refers to Figure 3 and page 7, lines 6-8 only as explained in the appeal brief filed on 9/13/07, on page 8, 2nd paragraph.

The prior art would prevent detachment of the end of tape and the hub filler by calibrating the cartridge drive and the guide arm movement to maintain adequate tension. Furthermore, all the structural elements for means for preventing detachment of an end of tape from the hub filler during a tape unloading operation is taught by Hamming '839 above by using the hub filler 100 is then driven to the take-up reel 12 by the guide arm 50 and the guide arm motor 70 along the guide rail 47, and the end of the tape 16 is connected to the hub filler 100 by a leader pin 14 attached to the end of the tape 16 and engaged in a slot 104 in the hub filler, which is the same as that described in applicant's application and appeal brief (page 7, lines 6-8) or an equivalent thereof.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

12/17/07

A handwritten signature in black ink, appearing to be "S. J. Z.", located in the lower right quadrant of the page.